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MAY - 2 2003

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02-277

Nearly 300 Leading Academics Decry FCC Methodology for Lifting Ownership Safeguards

Demand Commission Release Proposal Prior to Adopting Final Changes

285 leading academics asked the Federal Communications Commission to disclose its plans for a rulemaking 'index' and other quantitative measures prior to a vote that could radically change decades-old media ownership rules. FCC Chairman Michael Powell has said he wants to call a vote on June 2nd, but the Commission has not released any details on the rulemaking measures. The FCC is expected to approve a number of new rules, which ostensibly reflect the outcome of its own sponsored research and other data. Measures that are being challenged even by an author of the FCC-commissioned research. On April 28th, Queens College Professor Mara Einstein wrote:

"The FCC has taken a step in the wrong direction in trying to use strictly quantitative measures in assessing the needs for media-ownership caps.... The FCC says it will decide by June 2. That's simply too soon, given the lack of broad public debate."

Respected academics from across the nation add their voices to those of consumer groups, artists, religious organizations and public officials concerned that the FCC is moving too quickly and without legitimate scholarship on the crucial rulemaking. The letter states: *"We have grave doubts that any single measure can effectively analyze the complexities of the media marketplace in terms of its impact on journalism, citizen access to information, and competition."* It stresses that any 'universal' quantitative approach to determining media policy is bound to be imprecise, and emphasizes the need to release any proposed quantitative and qualitative measures so that they can be fairly evaluated by experts in communications, economics and social science.

Professor Robert McChesney of the University of Illinois, who has filed comments previously on the proposed changes said:

"The existing media rules were created to guarantee the citizens their basic rights to a diverse and independent media. Chairman Powell seems focused solely on the impact of media rules on the advertising marketplace, not the marketplace of ideas. Regardless of the index or rule Mr. Powell chooses, hundreds of leading scholars justifiably believe that any proposal should be first released for scholarly review and comment."

The letter follows a letter to FCC Chairman Powell from a majority of the Senate Commerce Committee members expressing disappointment that such changes would occur "without any opportunity for the Congress or the public to review them beforehand."

The FCC is poised to eliminate several ownership restrictions. One of those restrictions prevents common ownership of newspaper and television or radio stations in a single geographical market. In the aftermath of the proposed changes, a wave of massive

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media consolidation is expected; at local levels it is wholly possible one firm could acquire the vast majority of media outlets including daily newspapers, TV stations, radio stations, and cable TV systems. Radio, which had its ownership rules relaxed in 1996, is now dominated by ten parent companies nationwide: Clear Channel and Viacom alone control 42% of listeners and 45% of industry revenues.

Academics signing the letter are from institutions that include Stanford University, Harvard University, Yale University, University of Pennsylvania, New York University, Brandeis University, Texas A & M, University of Michigan, Boston College, and international universities.

May 1, 2003

The Honorable Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Powell:

The FCC will soon make a critical decision on media ownership policy that could affect the future course of our democracy. At stake, as you know, are the rules and policies governing U.S. media ownership of the nation's radio and television broadcasters, TV networks, and newspapers. You and your colleagues are well aware of the important role these media outlets play in providing the public with a diverse array of local and national information and analysis.

According to reports, the Commission is developing a "diversity index" that will serve as a form of universal measurement on media ownership. Such a measure, we understand, will be used to analyze individual media markets in order to determine whether cross-ownership limits should be eliminated, modified, or maintained. Press reports also suggest that some of the specific rules under review may be subject to new policies as well.

We have grave doubts that any single measure can effectively analyze the complexities of the media marketplace, in terms of its impact on journalism, citizen access to information, and competition. Such quantitative-let alone qualitative-methodological measures attempting to serve as holistic approaches are likely to be very imprecise.

As leading scholars in the field of social science and mass communications, we urge you to release to the public any proposed such measures in advance of their enactment. There must be serious scholarly and public debate about the efficacy of any proposed new measure on media ownership. Indeed, we look forward to examining and commenting on any proposal, so that the scholarly community can help make the most informed Commission decision possible on this important issue.

We are sure you, as we, believe that informed debate and discourse on the analytical underpinnings of what the FCC may propose can only further your goal of developing an approach to media policy regulation that is supported by sound scholarship.

Sincerely,

Cc.

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Representative Dingell
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